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## **CZECH REPUBLIC**

### **ROMA IN THE CZECH REPUBLIC Foreigners in Their Own Land**

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#### **SUMMARY**

In May 1995, Tibor Berki was spending the evening at home with his wife and five children when four unknown men burst into his kitchen. The forty-three-year-old Berki tried to defend his family and home, but was beaten with a baseball bat. He died some hours later in the hospital from injuries to the head.

Berki's death brought the number of Roma (Gypsies) murdered in the Czech Republic since 1989 to an estimated twenty-seven. In 1995 alone, there were at least 181 reported attacks against Roma or foreigners in the country. Many other assaults go unreported.

The Berki murder incited a public debate about racism in the Czech Republic and prompted the government to take more forceful measures against racist violence, which has been on the rise since the fall of the communist system in 1989. The government condemned the attack, proposed stiffer penalties for racially motivated crimes and introduced a special department within the police to deal with "skinheads" and other extremist groups.

While these changes are steps in the right direction, they do not go far enough to combat the serious problem of racist violence and discrimination against the estimated 200,000-300,000 Roma in the Czech Republic. Since 1989, Czech authorities have failed to adequately protect Roma from the ever-increasing danger of racist attacks. When attacks do occur, Roma are often denied equal treatment before the law, a direct violation of both Czech and international law.

The biggest problem stems from the local police, who sometimes display an open sympathy for "skinheads," allowing them to hold unauthorized marches and threaten non-ethnic Czechs. Police are often slow to respond to Romani calls for help and hesitant to make arrests, even after a violent attack. In some cases, police themselves have used excessive force against Roma, sometimes causing death.

Despite noticable improvements in the last year, the judicial system still does not always punish the perpetrators of racially motivated violence to the fullest extent of the law. When cases do go to court, the attack is often viewed as a "personal fight" rather than a premeditated act of violence against an individual on account of his race, ethnicity or color. Sentences are often light, which sends the message that such attacks are not considered serious.

Racist attacks - and the government's lack of response - are the most serious concern of Roma in the country today. But

Roma also face state discrimination in other areas of daily life, such as education, housing and employment. They are often segregated in "special schools," denied residency permits and refused jobs, solely because of their race or ethnicity.

The issue that has received the most international attention, however, is the country's controversial citizenship law, which came into effect after the split of Czechoslovakia in January 1993. Most of the Czech Republic's Roma originate from Slovakia, and, according to the law, were required to apply for Czech citizenship through naturalization, even if they were born on the territory of the Czech Republic and had lived there all of their lives. Although the law does not specifically refer to Roma, its requirements on residence, ancestry and criminality had a clearly disproportionate impact on Roma, and as such are discriminatory. In addition, many Roma who met all of the requirements of the law were arbitrarily denied citizenship by local officials.

As a result, many Roma living in the Czech Republic do not have Czech citizenship even though they are long-time or lifelong residents of the republic. Those denied citizenship are unable to vote, run for office, participate in the privatization process or seek redress for wrongs committed against them during the communist regime. Some non-citizens have difficulty receiving permanent residence, which is necessary to receive social benefits from the state. An undetermined number of people have been deported to Slovakia, while others are stateless altogether. Although it is difficult to prove with certainty, evidence suggests that the law was drafted with the specific intent of hindering citizenship for Roma and facilitating their removal from the Czech lands.

Parliament passed an amendment to the law in April 1996 after substantial criticism from the Council of Europe, UNHCR, the U.S. Helsinki Commission and nongovernmental organizations. According to the amendment, the Ministry of Interior may now waive the five-year clean criminal record requirement, which is the clause that had prevented many Roma from obtaining citizenship. However, it remains to be seen if the ministry will exercise this right. Even as amended, the law remains inconsistent with the Czech Republic's international commitments.

Overall, the Czech record on human rights has been admirable since the 1989 "velvet revolution" toppled the communist government. But the otherwise laudable reforms of Czech democracy have failed to ensure many basic human rights to the Roma minority. The effects of the citizenship law and the state's unwillingness to combat racist violence reveal an undeniable pattern of discrimination along ethnic lines.

## RECOMMENDATIONS

Human Rights Watch/Helsinki urges the Czech government to abide by its obligations under international law to respect and promote human rights and specifically to:

- | Guarantee the security of all persons from violence or bodily harm, whether inflicted by government officials or by any individual or group.
- | Conduct a criminal investigation into each incidence of violence against Roma individuals or the community and prosecute to the fullest extent of the law those cases where there is evidence of guilt.
- | Investigate allegations that, in certain areas, the Czech authorities failed to intervene to protect Roma from attack or failed adequately to investigate violence against Roma, and take all appropriate measures up to and including criminal prosecution.
- | Ensure effective administrative and judicial remedies for Roma who are subjected to discrimination, including

harassment and intimidation by government officials.

- | Ensure that Roma are not treated in a discriminatory manner with regard to access to education.

- | Ensure that Roma a